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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

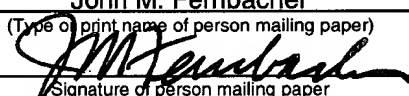
**IN RE APPLI-  
CATION OF : D. G. Brown**

**SERIAL NO. : 09/879,772 : GRP. ART UNIT: 1761**

**FILED : June 12, 2001 : EXAMINER: C. E. Sherrer**

**FOR : Method and Apparatus for Reducing Foaming During  
Fermentation**

Assistant Commissioner for Patents  
Washington, D.C. 20231

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Sir:

**RESPONSE TO RESTRICTION REQUIREMENT  
UNDER 37 C.F.R. 1.143**

This response is submitted to the Restriction Requirement in the Office Action of November 25, 2002 for the above-named application.

**REMARKS**

Applicant disagrees with the Restriction Requirement of the Office Action and requests that it be withdrawn for the reasons set forth below.

Restriction has been required by the Examiner to either Invention I (Claims 1-28, drawn to processes or Invention II (Claims 29-31), drawn to apparatus. The apparatus as claimed is an apparatus for carrying out an anaerobic fermentation process and includes a fermentation vessel for anaerobic fermentation in a liquid medium. The Examiner believes that Inventions I and II are distinct because the apparatus as claimed can be used to practice another and materially different process, e.g., an aerobic fermentation process. Applicant disagrees and submits that aerobic fermentation cannot be carried out in an anaerobic